

Patent Docket P0718P2C1D1C1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Paula M. Jardieu et al. Serial No.: 09/925,179 Filed: August 8, 2001 For: ANTI-IgE ANTIBODIES	Group Art Unit: 1642 Examiner: David J. Blanchard Confirmation No: 5112 Customer No: 09157  <b><u>CERTIFICATION OF FACSIMILE TRANSMISSION</u></b> <b><u>UNDER 37 CFR § 1.8</u></b>  I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at (703) 872-9306 on the date shown below. Signature <u>Christine Ricks</u> Date: <u>September 7, 2004</u>
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTINGREJECTION OVER A PRIOR PATENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your petitioner, Genentech, Inc., having a place of business at 1 DNA Way, South San Francisco, California 94080-4990 in the county of San Mateo has reviewed the evidentiary documents set forth hereinbelow and certifies to the best of Genentech's knowledge and belief that title in and to the herein application and in the referenced U.S. Patent No. 6,329,509 B1 resides in Genentech, Inc.

Your petitioner, Genentech, Inc., represents that it is the owner of the entire right, title, and interest in and to application U.S. Serial No. 09/925,179, filed August 8, 2001, by virtue of an assignment recorded on January 14, 1994 at Reel 7062, Frame 0411, and is also the owner of the entire right, title and interest in and to U.S. Patent No. 6,329,509 B1, filed June 6, 1995 and issued December 11, 2001, by virtue of the same afore-mentioned

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assignment recorded on January 14, 1994 at Reel 7062, Frame 0411.

Your petitioner hereby disclaims the terminal part of any patent granted on the herein application Serial No. 09/925,179 that would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of said Patent No. 6,329,509 B1, and hereby agrees that any patent so granted on the herein application 09/925,179 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,329,509 B1, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,329,509 B1 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above. Petitioner reserves the right to extend the shortened term of any patent granted on the above-identified application due to regulatory delays pursuant to 35 U.S.C. §156.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is authorized to charge the statutory fee of \$110 required for filing this Disclaimer to Deposit Account No. 07-0630. Please charge any deficiency or credit any overpayment to Account 07-0630. A duplicate of this sheet is enclosed.

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Respectfully submitted.

GENENTECH, INC.

Date: September 7, 2004

By:



Craig G. Svoboda

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